

## APPENDIX A

### SUMMARY OF STATE STATUTES RELATING TO TANGIBLE PERSONAL PROPERTY

#### MEMORANDUMS

State	Statute Section	Title	Comparison to UPC § 2-513 (1990 version)
Alaska	ALASKA STAT. § 13.12.513 (LEXIS 2000)	Separate writing identifying devise of certain types of tangible personal property.	Uses the language of the pre-1990 version.
Arizona	ARIZ. REV. STAT. § 14-2513 (LEXIS 2000)	References to separate lists; requirements.	Uses language similar to the pre-1990 version. Different structure.
Arkansas	ARK. STAT. ANN. § 28-25-107 (LEXIS 1999)	Incorporation of writing by reference.	Uses language similar to the pre-1990 version. Different structure.
Colorado	COLO. REV. STAT. § 15-11-513 (LEXIS 1999)	Separate writing identifying devise of certain types of tangible personal property.	Same language, but kept pre-1990 clause allowing document to be handwritten.
Delaware	DEL CODE ANN. § 212 (LEXIS 1999)	Separate writing identifying bequest of tangible property.	Uses language similar to the pre-1990 version.
Florida	FLA. STAT. § 732.515 (LEXIS 1999)	Separate writing identifying devises of tangible property.	Same language, but kept pre-1990 clause regarding property used in trade or business.
Hawaii	HAW. REV. STAT. § 560:2-513 (LEXIS 1999)	Separate writing identifying devise of certain types of tangible personal property.	Same language.
Idaho	IDAHO CODE § 15-2-513 (LEXIS 1999)	Separate writing identifying bequest of tangible property.	Uses the language of the pre-1990 version.
Iowa	IOWA CODE § 633.276 (LEXIS 1999)	Separate identification of bequest.	Uses language similar to the pre-1990 version. Includes definition of tangible personal property.
Kansas	KAN. STAT. ANN. § 59-623 (LEXIS 1999)	Reference in will to statement to dispose of certain tangible personal property; admissibility.	Uses language similar to the pre-1990 version.
Maine	ME. REV. STAT. § 2-513 (LEXIS 1999)	Separate writing identifying bequest of tangible property.	Uses the language of the pre-1990 version.
Michigan	MICH. STAT. ANN. § 27.12513 (LEXIS 1999)	Separate writing identifying devise of certain types of tangible personal property.	Same language. Effective April 1, 2000.

State	Statute Section	Title	Comparison to UPC § 2-513 (1990 version)
Minnesota	MINN. STAT. § 524.2-513 (LEXIS 1999)	Separate writing identifying bequest of tangible property.	Uses the language of the pre-1990 version.
Missouri	MO. REV. STAT. § 474.333 (LEXIS 1999)	Will may provide for disposal of personal property by separate list.	Uses language similar to the pre-1990 version. Different structure.
Montana	MONT. CODE ANN. § 72-2-533 (LEXIS 1999)	Separate writing identifying disposition of tangible personal property.	Same language. Different structure.
Nebraska	NEB. REV. STAT. §30-2338 (LEXIS 1999)	Separate writing identifying bequest of tangible property.	Uses language similar to the pre-1990 version. Includes language regarding date of writing.
Nevada	NEV. REV. STAT. § 133.045 (LEXIS 2000)	Disposition of certain tangible personal property by reference to list or statement; requirements.	Similar language, but more expansive with specific requirements. Kept pre-1990 language regarding tangible personal property.
New Jersey	N.J. REV. STAT. § 3B:3-11 (LEXIS 2000)	Identifying devise of tangible personal property by separate writing.	Uses language similar to the pre-1990 version.
New Mexico	N.M. STAT. ANN. § 45-2-513 (LEXIS 2000)	Separate writing identifying devise of certain types of tangible personal property.	Same language. Different structure.
North Dakota	N.D. CENT. CODE § 30.1-08-13 (LEXIS 2000)	Separate writing identifying devise of certain types of tangible personal property.	Same language.
South Carolina	S.C. CODE ANN. § 62-2-512 (LEXIS 1999)	Separate writing identifying devise of certain types of tangible personal property.	Uses language similar to the pre-1990 version.
South Dakota	S.D. CODIFIED LAWS § 29A-2-513 (LEXIS 2000)	Separate writing identifying devise of certain types of tangible personal property.	Same language.
Utah	UTAH CODE ANN. § 75-2-513 (LEXIS 1999)	Separate writing identifying devise of certain types of tangible personal property.	Same language.
Virginia	VA. CODE ANN. § 64.1-45.1 (LEXIS 1999)	Separate writing identifying recipients of tangible personal property; liability for distribution; action to recover property.	Similar language, but more expansive with specific requirements. Contains provision regarding personal representative.

State	Statute Section	Title	Comparison to UPC § 2-513 (1990 version)
Washington	WASH. REV. CODE § 11.12.260 (LEXIS 2000)	Separate writing may direct disposition of tangible personal property -- Requirements.	Similar language, but more expansive with specific requirements. Requires reference to document in will. Defines tangible personal property.
Wisconsin	WIS. STAT. § 853.32 (LEXIS 1999)	Effect of reference to another document.	Similar language, but more expansive with specific requirements. Requirements differ depending on date of execution. See language!
Wyoming	WYO. STAT. ANN. § 2-6-124 (LEXIS 2000)	Written statement referred to in will disposing of certain personal property.	Uses language similar to the pre-1990 version. Different structure.

## **APPENDIX B**

### **INSTRUCTIONS FOR TANGIBLE PERSONAL PROPERTY MEMORANDUM**

Your Last Will and Testament states you may make a list giving away specific items of tangible personal property. You may use the attached form to list the items of tangible personal property you wish to give away upon your death. The tangible personal property memorandum allows you to leave specific personal effects to specific individuals without having to go to the time of amending your will. You may change this memorandum at any time. If you desire to use the memorandum for the disposition of tangible personal property, it is important that you carefully follow the specific instructions below when completing your list.

1. If your will already gives an item of personal property away, do not include that same item on the tangible personal property memorandum or list. You should use the list for items not covered by your will. You cannot change anything in your will by using the list.
2. Do not include the disposition of money, promissory notes (or other evidence of indebtedness), real estate, securities, insurance policies, bonds, checking accounts, or savings accounts in your tangible personal property memorandum or list.
3. Number each item you are giving away on your tangible personal property memorandum or list. Describe the item in enough detail so that everyone will know exactly which item you are giving away.
4. Valuable items should be listed in your will and not on a tangible personal property memorandum or list. However, it is not wrong to put valuable items on your list.
5. Beside the description of the item, put the name of the person you want to have the article upon your death. That person will be the "First Beneficiary." List another person you would like to give the item to in event the first person dies before you die or does not want the item. The second person is the "Second Beneficiary." If the beneficiaries are not close relatives or well known to

your family, put their beneficiaries' addresses in the tangible personal property memorandum or list.

6. After you finish the tangible personal property memorandum or list, sign and date the memorandum.
7. You do not need any witnesses when you sign your tangible personal property memorandum or list. However, having someone witness your signature may avoid arguments about whether you actually signed the list and intended the list to be used to give away your property. It is advisable to sign the memorandum in the presence of two disinterested witnesses. A disinterested witness is someone that will not receive a gift from you pursuant to this memorandum or from your estate. In addition, the disinterested witness should not be related to you. Finally, the disinterested witness should not be someone that will serve as your executor, personal representative, trustee, or guardian for your estate.
8. You can add to your tangible personal property memorandum or list or change it any time you desire. Make additions and changes by tearing up the old list and making a completely new tangible personal property memorandum. Never make modifications by striking through an item or altering anything on the memorandum itself.
9. Keep the tangible personal property memorandum or list in the same envelope in which you keep your will. DO NOT attach the memorandum to the will!
10. Give your personal representative, executor, or the person who will take care of your affairs when you die, a copy of the memorandum. Make sure the personal representative understands your tangible personal property memorandum or list. If you do not want to give the person a copy, review the memorandum with the person.

## APPENDIX C

The TPPM below is the DL Wills basic form with suggested additions and changes to the form. All changes or modifications are listed in {ALL CAPITAL LETTERS}.

### PERSONAL PROPERTY MEMORANDUM

#### THE SEPARATE WRITING REGARDING TANGIBLE PERSONAL PROPERTY REFERRED TO IN MY WILL

{ON DATE, 20XX} I, NAME, {SIGNED MY WILL}. {MY WILL MAKES REFERENCE TO THE DISPOSITION AT MY DEATH OF CERTAIN ITEMS OF TANGIBLE PERSONAL PROPERTY IN ACCORDANCE WITH A MEMORANDUM SIGNED BY ME.} I do hereby provide that the following items of tangible personal property shall be given to the beneficiaries identified below upon my death:

{DESCRIPTION OF TANGIBLE} Items Of {PERSONAL} Property

Names And Addresses of Beneficiaries

1. (Clearly Describe)

2.

{IF AN ITEM IS MARKED WITH AN ASTERISK (\*) IT IS TO BE DISTRIBUTED TO THE PERSON DESIGNATED TO RECEIVE THE ITEM ONLY IF MY SPOUSE PREDECEASES ME.}

Dated:

\_\_\_\_\_

NAME

In the presence of:

\_\_\_\_\_

having an address at

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

having an address at

\_\_\_\_\_

\_\_\_\_\_

PLEASE NOTE: You may not use this instrument to dispose of property used in a trade or business or cash, evidence of debt, documents of title, securities or other intangible personal property. To avoid being lost or misplaced, this instrument should be kept with the original of your Will.